

REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 1-12 are pending in the present application. Claims 1-11 have been amended to more particularly point out and distinctly claim the subject matter of the present invention. New claim 12 has been added. Support for new claim 12 may be found in original claims 1 and 2.

In the outstanding Official Action, claims 2-4 and 7-11 were objected to for allegedly containing several informalities. Applicants believe that the present amendment obviates these objections.

Applicants believe that the Examiner's objections were well taken and have amended claims 2-4 and 7-11 so that the cited informalities are no longer recited in claims 2-4 and 7-11. Indeed, applicants would like to thank the Examiner for his suggestions as how to overcome these objections.

Claims 1-11 were rejected under 35 USC §112, second paragraph, as allegedly being indefinite. This rejection has been obviated by the present amendment.

The Official Action alleged that the term "preferably warm" was indefinite. Claim 1 has been amended so this term is no longer recited in the claim.

Claim 1 was then further rejected for reciting the term "a surface on the average". This phrase has been amended to recite "an average surface area".

The outstanding Official Action also alleged that claims 1-11 were indefinite for reciting the term "characterized in that". The Official Action believed that the term was misdescriptive. However, claims 1-11 have been amended so that the phrase "characterized in that" has been replaced by "wherein".

Claim 11 was also rejected for reciting the phrase "can be". However, claim 11 has been amended so that this phrase is no longer recited in the claim. The term "is" replaces the phrase "can be".

The Official Action also alleged that claim 11 lacked antecedent basis for the phrase "the cooling". Claim 11 has been amended so that this phrase is no longer recited in the claim.

Claim 3 was rejected for reciting the term "the piston". Applicants believe the Examiner's contention was well taken and have amended claim 3 to recite "a piston".

At this time, applicants would like to thank the Examiner for his suggestions as how to overcome the rejections under 35 USC §112, second paragraph. Indeed, applicants believe that claims 1-12 are definite to one of ordinary skill in the art.

Claims 1, 2, 5 and 11 were rejected under 35 USC §102(b) as allegedly being anticipated by FRADIN. This rejection is respectfully traversed.

Applicants believe that FRADIN fails to disclose or suggest the claimed invention. The Examiner's attention is respectfully directed to independent claims 1 and 12. Independent claims 1 and 12 are directed to a process for the preparation of restructured meat. The process recites that the ultrathin layers have an average surface area greater than 20 cm² and up to 500 cm². Support for this recitation may be found in the present specification at page 3, lines 12-14. As a result, applicants believe that FRADIN teaches away from the claimed invention.

Indeed, FRADIN teaches that it is essential that the final product have a structure consisting of ultrathin sheets with a medium surface, mutually adhering together in a way which preserves a laminated texture (see column 1, lines 63-68). In order to obtain this texture. Moreover, FRADIN teaches that the ultrathin sheets have a surface area substantially exceeding 1 cm² but substantially smaller than 20 cm² (see column 4, lines 30-35). Thus, applicants believe that FRADIN teaches away from a process for preparing a restructured meat by assembly for ultrathin layers with an average surface area greater than 20 cm² and up to 500 cm².

As a result, applicants believe that FRADIN fails to anticipate or render obvious the claimed invention.

In the outstanding Official Action, claims 3, 4, 7 and 8 were rejected under 35 USC §103(a) as allegedly being unpatentable over FRADIN. This rejection is respectfully traversed.

As noted above, applicants believe that FRADIN teaches away from the claimed invention. Thus, applicants believe that the teachings of FRADIN fail to render obvious claims 3, 4, 7 and 8.

Moreover, applicants respectfully traverse the contention that a ram or piston is a conventional tool for compressing meat. In imposing the rejection, the Official Action alleged that vacuum control is a conventional technique for applying and releasing a vacuum. However, the Official Action does not present evidence to support this assertion.

As a result, applicants respectfully submit that the Official Action does not meet its burden in showing that claims 3, 4, 7 and 8 have been rendered obvious by FRADIN or that vacuum control is a conventional technique for applying and releasing a vacuum.

Claim 6 was rejected under 35 USC §103(a) as allegedly being unpatentable over FRADIN in view of FRADIN et al.

(WO 03/14648), LINANE et al., or CONDON. This rejection is respectfully traversed.

As noted above, applicants believe that FRADIN teaches away from the claimed invention. Applicants believe that FRADIN et al. (WO 03/14648), LINANE et al., and CONDON fail to remedy the deficiencies of Fradin. Indeed, applicants believe that Fradin teaches away from the claimed invention.

Moreover, applicants traverse the assertion that it would have been obvious to one of ordinary skill in the art to utilize a rotating disc cutter as set forth in the claimed invention. While the Official Action contends that the cited publications disclose the use of a rotary disc cutter, the Official Action fails to show that one of ordinary skill in the art would have the necessary motivation and expectation of success to combine and modify the teachings of the two publications to obtain the claimed invention.

Thus, it is believed that the proposed combination of FRADIN in view of FRADIN et al. (WO 93/14648), LINANE et al. or CONDON fails to render obvious claim 6.

Claims 9 and 10 were rejected under 35 USC §103(a) as allegedly being unpatentable over FRADIN in view of FRADIN et al. (French Patent 2683124). This rejection is respectfully traversed.

Applicants believe that the FRADIN et al. (French Patent 2683124) publication fails to remedy the deficiencies of FRADIN. As noted above, applicants believe that Fradin teaches away from the claimed invention.

In addition, applicants traverse the assertion that it would have been obvious to one of ordinary skill in the art to form the blocks of meat with an extrusion device having parallel helical screws as set forth in the claimed invention. While the Official Action contends that the FRADIN et al. (French Patent 263124) publication discloses the use of parallel helical screws, the Official Action does not show that one of ordinary skill in the art would have the necessary motivation and expectation of success to combine and modify the teachings of the two publications to obtain the claimed invention.

As a result, applicants believe that the proposed combination of FRADIN and FRADIN et al. (French Patent 2683124) fails to render obvious claims 9 and 10.

In view of the present amendment and the foregoing remarks, therefore, it is believed that this application is now in condition for allowance, with claims 1-12, as presented. Allowance and passage to issue on that basis are accordingly respectfully requested.

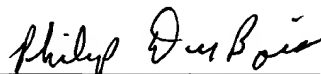
The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

Application No. 09/744,400
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overpayment to Deposit Account No. 25-0120 for any additional
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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